

(17)  
1/29*see also*

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEAN E. BERGSTRESSER,	:	CIVIL NO. 1:00-CV-1713
	:	
Petitioner	:	(Judge Caldwell)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
ROBERT SHANNON,	:	
Superintendent;	:	
DISTRICT ATTORNEY OF POTTER	:	
COUNTY; and the ATTORNEY	:	
GENERAL OF PENNSYLVANIA,	:	
	:	
Respondents	:	

**FILED**  
**HARRISBURG, PA**

JAN 26 2001

MARY E. D'ANDREA, CLERK  
PER                      DEPUTY CLERK

ORDER

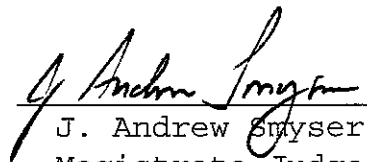
The petitioner has submitted a letter request for reconsideration of the determination that a certificate of appealability shall not issue. This letter shall be considered as a motion for reconsideration pursuant to LR 7.10.

"The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence." *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985). In the interest of finality, courts

should grant motions for reconsideration sparingly. *Rottmund v. Continental Assurance Co.*, 813 F. Supp. 1104, 1107 (E.D.Pa. 1992).

The question whether to issue a certificate of appealability has again been considered in the light of the standard discussed in *Slack v. McDaniel*, 120 S.Ct. 1595 (2000). This court remains of the opinion that a certificate of appealability should not issue by application of the standard for the consideration of that question.

**IT IS ORDERED** that the letter of January 23, 2001 from the petitioner's counsel is construed as a motion for reconsideration of the Order of January 9, 2001 denying the petition for a writ of habeas corpus, and that the motion is **DENIED**.

  
\_\_\_\_\_  
J. Andrew Smyser  
Magistrate Judge

Dated: January 26, 2001.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

January 26, 2001

Re: 1:00-cv-01713 Bergstresser v. Shannon

True and correct copies of the attached were mailed by the clerk to the following:

Peter Goldberger, Esq.  
50 Rittenhouse Place  
Ardmore, PA 19003-2276

Jeffrey E. Leber, Esq.  
1 East 3rd Street  
P.O. Box 429  
Coudersport, PA 16915

District Attorney of Potter County  
1 East 3rd Street  
Loudersport, PA 16915

Attorney General of Commonwealth  
Office of the Attorney General  
15th Floor, Strawberry Square  
Harrisburg, PA 17120

cc: Judge ( )  
Magistrate Judge ( )  
U.S. Marshal ( )  
Probation ( )  
U.S. Attorney ( )  
Atty. for Deft. ( )  
Defendant ( )  
Warden ( )  
Bureau of Prisons ( )  
Ct Reporter ( )  
Ctroom Deputy ( )  
Orig-Security ( )  
Federal Public Defender ( )  
Summons Issued ( ) with N/C attached to complt. and served by:  
U.S. Marshal ( ) Pltf's Attorney ( )  
Standard Order 93-5 ( )  
Order to Show Cause ( ) with Petition attached & mailed certified mail  
to: US Atty Gen ( ) PA Atty Gen ( )

Bankruptcy Court ( )  
Other \_\_\_\_\_ ( )

DA of County ( ) Respondents ( )

MARY E. D'ANDREA, Clerk

DATE: \_\_\_\_\_

1-26-01

BY: \_\_\_\_\_

SAB  
Deputy Clerk